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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/540,540

09/11/2006

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046124-5385

7158

9629 7590 03/04/2009
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EXAMINER

FEELY, MICHAEL J

ART UNIT

PAPER NUMBER

1796

MAIL DATE

DELIVERY MODE

03/04/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/540,540	Applicant(s) HIRAYAMA ET AL.	
	Examiner Michael J. Feely	Art Unit 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☒ Claim(s) 4-17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20070531</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Pending Claims

Claims 1-17 are pending.

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on December 27, 2002. It is noted, however, that applicant has not filed a certified copy of the JP 2002-381587 application as required by 35 U.S.C. 119(b).

Claim Objections

2. Claims 4-17 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim *cannot depend from any other multiple dependent claim*. See MPEP § 608.01(n). Accordingly, the claims 4-17 **have not been further treated on the merits**.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Edwards et al. (US Pat. No. 5,891,560) (*US equivalent of X-reference WO 99/01501*).

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Regarding claims 1-3, Edwards et al. disclose: **(1)** a method of manufacturing fiber-reinforced thermoplastics, comprising: (a) a mixing step for mixing an uncured thermosetting resin with reinforcing fibers to obtain a mixture (Abstract; column 2, lines 31-44); and (b) a reaction step for forming a thermoplastics by causing a polymerization reaction of the thermosetting resin in the mixture so that the thermosetting resin polymerizes (Abstract; column 2, lines 31-44); **(2)** wherein said reinforcing fibers constitute a reinforcing fiber knitted web (column 3, lines 18-30; Examples); and **(3)** wherein said reinforcing fibers are glass fibers (column 3, lines 18-30; Examples).

5. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Kaneshiro et al. (JP 10-251423) (*X-reference*).

Regarding claims 1-3, Kaneshiro et al. disclose: **(1)** a method of manufacturing fiber-reinforced thermoplastics, comprising: (a) a mixing step for mixing an uncured thermosetting resin with reinforcing fibers to obtain a mixture (Abstract; paragraphs 0024-0025); and (b) a reaction step for forming a thermoplastics by causing a polymerization reaction of the thermosetting resin in the mixture so that the thermosetting resin polymerizes (Abstract; paragraphs 0024-0025); **(2)** wherein said reinforcing fibers constitute a reinforcing fiber knitted web (paragraph 0023; Examples); and **(3)** wherein said reinforcing fibers are glass fibers (paragraph 0023).

6. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Schmid et al. (US Pat. No. 5,895,808) (*X-reference*).

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Regarding claims 1-3, Schmid et al. disclose: **(1)** a method of manufacturing fiber-reinforced thermoplastics, comprising: (a) a mixing step for mixing an uncured thermosetting resin with reinforcing fibers to obtain a mixture (Abstract; column 1, line 55 through column 2, line 16; claim 1); and (b) a reaction step for forming a thermoplastics by causing a polymerization reaction of the thermosetting resin in the mixture so that the thermosetting resin polymerizes (Abstract; column 1, line 55 through column 2, line 16; claim 1); **(2)** wherein said reinforcing fibers constitute a reinforcing fiber knitted web (column 3, lines 7-12; claims 3-4); and **(3)** wherein said reinforcing fibers are glass fibers (column 3, lines 7-12; claims 3-4).

7. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Inata et al. (US Pat. No. 5,223,335) (*US equivalent of X-reference EP 505139*).

Regarding claims 1-3, Inata et al. disclose: **(1)** a method of manufacturing fiber-reinforced thermoplastics, comprising: (a) a mixing step for mixing an uncured thermosetting resin with reinforcing fibers to obtain a mixture (Abstract); and (b) a reaction step for forming a thermoplastics by causing a polymerization reaction of the thermosetting resin in the mixture so that the thermosetting resin polymerizes (Abstract); **(2)** wherein said reinforcing fibers constitute a reinforcing fiber knitted web (column 6, lines 43-49; Examples); and **(3)** wherein said reinforcing fibers are glass fibers (column 6, lines 43-49; Examples).

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Communication

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Feely whose telephone number is (571)272-1086. The examiner can normally be reached on M-F 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael J Feely/
Primary Examiner, Art Unit 1796

March 2, 2009